

LSK&D #: 630-0136 / 4844-3249-5602

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JACQUELINE WILLIAMS,

Plaintiff,

-against-

NOTICE OF REMOVAL

VENTURE TOURS, INC. and RUSSELL C.
WEAVER,

Defendants.

-----X

Defendants Venture Tours, Inc. and Russell, C. Weaver allege as follows for their Notice of Removal:

Commencement of the Action

1. On November 23, 2020, plaintiff commenced a civil action (the action) seeking money damages for personal injuries by filing a summons and complaint in the Supreme Court of the State of New York, Bronx County, under index number 34163/2020E. Exhibit A. Defendants filed their answer on February 8, 2021. Exhibit B. No other pleadings, process, or orders have been served in the action.

Citizenship and Removability

2. At the time plaintiff filed his complaint, and at the time this notice of removal is filed, the citizenship of the parties was, and remains, completely diverse. Plaintiff was and is a citizen of Bronx County, New York, residing at 1408 Webster Ave., Bronx, NY 10456; defendant Russell C. Weaver was and is a citizen of the State of Virginia, residing at 925 Grandy Drive, Chesapeake, VA 23322 and defendant Venture Tours, Inc. was and is a Virginia corporation with its principal office located at 600 South Military Highway, Virginia Beach, VA, 23464.

3. The action was not removable when plaintiff served the summons and complaint because, consistent with the requirements of NY CPLR 3017, the complaint did not contain a dollar-specific demand for damages.

4. On July 2, 2021, plaintiff's attorney made a written demand for damages of \$475,000. Exhibit C. This was the first written notice to defendants that plaintiff actually sought more than \$75,000, and the case thereupon became removable pursuant to 28 U.S.C. Section 1446(b)(3).

5. Inasmuch as the citizenship of the parties is completely diverse, plaintiff demands more than \$75,000, no defendant is a citizen of New York, this notice of removal is filed within thirty days of notice to defendants of the amount of plaintiffs' demand, and it is less than one year since the action was commenced, the action is removed to this court.

PLEASE TAKE FURTHER NOTICE, that this demand is a continuing demand and requires your response concerning your intention to call any expert witness up to and including the time of the commencement of the trial of this action.

Dated: New York, New York
July 28, 2021

Yours, etc.

LESTER SCHWAB KATZ & DWYER, LLP

s/John Tarnowski

John Tarnowski
Attorneys for Defendants
Venture Tours, Inc. and Russell C. Weaver
100 Wall Street
New York, New York 10005
(212) 964-6611